

**REMARKS**

Claims 27 – 32, 34, 35, 37 – 42 and 47 – 56 are pending in the present application, wherein claims 50 – 56 are newly added. Claims 1 – 26, 33, 36 and 43 – 46 were previously canceled.

Applicant is amending claims 47 and 49 to correct typographical errors.

In the Office Action, (A) in section 4, claims 27, 28, 31, 34, 35, 37 – 42 and 47 – 49<sup>1</sup> are rejected under 35 U.S.C. 103(a)<sup>2</sup> as being unpatentable over U.S. Patent No. 6,195,201 to Koch et al. (hereinafter "the Koch et al. patent") in view of U.S. Patent No. 5,978,072 to Nojima (hereinafter "the Nojima patent"), (B) in section 5, claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Koch et al. patent in view of the Nojima patent, further in view of U.S. Patent No. 6,015,976 to Hatakeyama et al. (hereinafter "the Hatakeyama et al. patent"), and (C) in section 6, claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Koch et al. patent in view of the Nojima patent, further in view of U.S. Patent Application Publication No. US 2002/0196416 to Shiraishi (hereinafter "the Shiraishi application"). Thus, all of the rejections are based, at least in part, on a combination of the Koch et al. and Nojima patents. Applicants are traversing these rejections.

Of the claims being rejected, four are independent, namely claims 27, 37, 47 and 49. Each of claims 27, 37, 47 and 49 recites a plate having a plurality of raster elements situated thereon, and further recites either of (a) a movable carrier on which the plate is arranged, for positioning the plate, or (b) a table on which the plate is situated, for moving the plate.

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<sup>1</sup> Section 4 of the Office Action states claims 27, 28, 34 – 42 and 47 – 49 are rejected. However, (i) from the body of section 4 it is apparent that claim 31 is also being rejected, and (ii) claim 36 was previously canceled, and so, should not have been listed.

<sup>2</sup> Section 4 of the Office Action states that the claims are being rejected under 35 U.S.C. 102(b). However, whereas the rejection is based on a combination of references, it is apparent that the rejection is being made under 35 U.S.C. 103(a) rather than under 35 U.S.C. 102(b).

The Koch et al. patent is directed toward a reflective fly's eye condenser for EUV Lithography (Abstract). In this regard, the Koch et al. patent discloses, with reference to FIG. 1, a condenser 10 that includes a reflective fly's eye or mirror array 16 (col. 4, lines 22 – 23) and a reflective fly's eye or mirror array 18 (col. 4, line 26). As is apparent from FIG. 1, both of reflective fly's eye or mirror array 16 and 18 are reflective elements. The Koch et al. patent, at col. 10, lines 25 - 29 states:

[A]ny desired pupil fill or radiant intensity can be obtained, in practicing the present invention, by manipulating the number of facets, facet-to-facet correlation, and the size, shape and location of the facets of the second reflective fly's eye or mirror array. (emphasis added)

Nevertheless, the Office Action, on page 3, recognizes that the Koch et al. patent does not disclose a movable carrier, and so, the Office Action introduces the Nojima patent.

The Nojima patent is directed toward an exposure apparatus (Abstract). The exposure apparatus includes a fly-eye lens 14 (FIG. 1; col. 2, line 43), a rotational plate 20 on which a plurality of aperture stops 21 – 26 are formed (col. 2, lines 51 - 52), and either an adjustable holding mechanism 40 (FIG. 3; and col. 3, lines 24 – 25) or an adjustable holding mechanism 60 (FIG. 4; and col. 4, line 50). As is apparent from FIG. 1, fly-eye lens 14 is a refractive element. Each of adjustable holding mechanisms 40 and 60 is for adjusting a position of fly-eye lens 14 (col. 3, lines 48 – 53; col. 5, lines 20 – 32), but more particularly to maintain a positional relationship between fly-eye lens 14 and aperture stops 21 – 26 (col. 1, lines 51 – 52; col. 3, lines 23 – 25; and col. 5, lines 3 – 4).

Whereas in the Koch et al. patent both of reflective fly's eye or mirror array 16 and 18 are reflective elements, and in the Nojima patent fly-eye lens 14 is a refractive element, the apparatuses of the Koch et al. and Nojima patents are **incompatible** with one another.

Furthermore, whereas the apparatus in the Koch et al. patent purportedly provides for any desired pupil fill or radiant intensity, the Koch et al. patent discloses no apparent problem that

would lead a person to seek out the adjustable holding mechanisms on the Nojima patent. More particularly, whereas the apparatus in the Koch et al. patent purportedly provides for any desired pupil fill or radiant intensity, the Koch et al. patent has no apparent need for the aperture stops of the Nojima patent, no apparent need to maintain a positional relationship between any component and an aperture stop, and therefore no apparent need for the adjustable holding mechanisms of the Nojima patent. Thus, there is **no apparent motive** for modifying the Koch et al. patent to include the adjustable holding mechanisms of the Nojima patent.

Whereas the apparatuses of the Koch et al. and Nojima patents are **incompatible** with one another, and there is **no apparent motive** for modifying the Koch et al. patent to include the adjustable holding mechanisms of the Nojima patent, the cited combination of the Koch et al. and Nojima patents **cannot be properly asserted for purposes of a section 103(a) rejection**. Accordingly, Applicants respectfully submit that all of the claims are patentable over the cited combination of the Koch et al. and Nojima patents.

This deficiency on the part of the Koch et al. and Nojima patents cannot be cured by introducing additional references. As such, the claims are also patentable over the cited combinations of (i) the Koch et al., Nojima and Hatakeyama et al. patents, and (ii) the Koch et al. patent, Nojima patent and Shiraishi application.

Applicants respectfully request reconsideration and withdrawal of the rejections set forth in the Office Action.

Applicants are adding claims 50 - 56 to even further provide the claim coverage that Applicants appear to deserve based on the prior art that was cited by the Examiner. A favorable consideration that also results in the allowance of claims 50 - 56 is earnestly solicited.

In view of the foregoing, Applicants respectfully submit that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicants respectfully request favorable consideration and that this application be passed to allowance.

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Date

Respectfully submitted,

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